

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 3:09-CR-272</b>
	:	
v.	:	<b>(Chief Judge Conner)</b>
	:	
<b>MARK A. CIAVARELLA, JR.,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 7th day of August, 2017, upon consideration of the motion (Doc. 337) for leave to amend pleading filed by defendant Mark A. Ciavarella, Jr. (“Ciavarella”), wherein Ciavarella seeks to amend his motion (Doc. 322) to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 to include a claim based upon the United States Supreme Court’s decision in McDonnell v. United States, 136 S. Ct. 2355 (2016), and the court observing that Ciavarella filed his motion for leave to amend *pro se*, (see Docs. 337, 338, 343), and that counsel has since been appointed to represent Ciavarella *sub judice*, (see Doc. 346), and in the interest of allowing appointed counsel an opportunity to supplement the current briefing, as well as clarifying the course of further proceedings, it is hereby ORDERED that:

1. The evidentiary hearing presently scheduled to commence at **9:30 a.m. on Thursday, September 14, 2017** shall be limited to the claims raised in Ciavarella’s initial motion (Doc. 322) to vacate, set aside, or correct sentence.
2. The issues presented by Ciavarella’s motion (Doc. 337) for leave to amend pleading—including, *inter alia*, the propriety of amendment, the government’s procedural default and merits arguments, and any developments in the law in the year since McDonnell issued—shall be the subject of supplemental briefing following the evidentiary hearing.

3. The court will issue an omnibus supplemental briefing order following the conclusion of the evidentiary hearing.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania